

Message Text

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PAGE 01 STATE 134690
ORIGIN EB-08

INFO OCT-01 AF-10 ARA-14 EA-12 EUR-12 NEA-11 ISO-00
L-03 TRSE-00 SIG-03 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 FRB-01 H-02 INR-10 INT-05 LAB-04
NSAE-00 NSC-05 PA-02 CTME-00 AID-05 SS-15 STR-07
ITC-01 ICA-20 SP-02 SOE-02 OMB-01 DOE-15 XMB-04
OPIC-06 JUSE-00 /182 R

DRAFTED BY EB/OT/STA:C H BLUM:CMS
APPROVED BY EB/OT/STA:T F O'HERRON
TREASURY:M GADBAW (SUBS)
L/EB:C ROH

-----127768 261813Z /45

P 261722Z MAY 78
FM SECSTATE WASHDC
TO ALSTEEL COLLECTIVE PRIORITY
AMCONSUL MADRAS PRIORITY

UNCLAS STATE 134690

USEEC/USOECN ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: ETRD, US

SUBJECT: TRIGGER PRICE MECHANISM: COURT DISCUSSES WIRE ROD
CASE

REF: STATE 107554

1. JUDGE OF U.S. DISTRICT COURT FOR DISTRICT OF COLUMBIA
ON MAY 25 DISMISSED "WITH PREJUDICE" CASE FILED BY DAVIS-
WALKER COMPANY CHALLENGING LEGALITY OF TRIGGER PRICE
MECHANISM WITH RESPECT TO WIRE ROD IMPORTS. DAVIS-WALKER
HAD CONTENDED THAT TREASURY LACKED AUTHORITY TO ESTABLISH
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PAGE 02 STATE 134690

TPM, THAT PROCEDURES USED TO ESTABLISH IT DID NOT MEET THE
REQUIREMENTS OF THE TPM, AND THAT TREASURY'S ACTIONS WERE
"ARBITRARY AND CAPRICIOUS."

2. RULING ENDS TEMPORARY INJUNCTION AGAINST TREASURY
ENFORCEMENT OF TPM AS IT PERTAINS TO IMPORTS OF STEEL WIRE
ROD. SINCE DISMISSAL WAS "WITH PREJUDICE," DAVIS WALKER

MAY NOT RE-SUBMIT COMPLAINT BASED ON SAME SET OF FACTS TO
ANOTHER LOWER COURT. WE UNDERSTAND THAT DAVIS-WALKER HAS
FILED WITH THE DISTRICT COURT NOTICE OF ITS INTENTION TO
APPEAL THE DECISION TO A HIGHER COURT. VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: STEEL, IMPORTS, COURT DECISIONS, PRICES
Control Number: n/a
Copy: SINGLE
Draft Date: 26 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Film Number: D780223-0501
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From: STATE
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Litigation History:
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Reference: 78 STATE 107554
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TAGS: ETRD, US, DAVIS-WALKER CO
To: ALSTEEL COLLECTIVE MADRAS MULTIPLE
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Review Markings:
Sheryl P. Walter
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